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Remarks

Claims 1-21 are pending in the application.

Claim 9 is objected to for an informality.

Claims 1, 2, 5, 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Conway (U.S. Patent No. 7,054,308 B1, hereinafter "Conway").

Claims 3-4, 6, 7, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conway in view of Burst (U.S. Patent No. 7,088,677 B1, hereinafter "Burst").

Claims 11, 12, 13, 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conway in view of Zavalkovsky et al. (U.S. Patent No. 7,027,410 B2, hereinafter "Zavalkovsky").

Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conway in view of IETF Network Working Group - RFC2597 (<http://www.ietf.org/rfc/rfc2597.txt>, hereinafter "IETF RFC2597").

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent

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form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

#### **Objection to Claim 9**

Claim 9 is objected to because the Examiner asserts that, in line 1, "(a1)" should be --(a)--.

Applicants respectfully submit that claim 9, in its original form, is correct. Claim 9 depends from claim 8. Claim 8 depends from claim 1, adding additional step (a1) which, according to the claim, is performed after step (a) but before step (b). Claim 9 then adds another step to be performed after step (a1) of claim 8. Accordingly, Applicants respectfully submit that the reference to step (a1) in claim 9 is correct.

As such, the Examiner is respectfully requested to withdraw the objection.

#### **Rejection Under 35 U.S.C. 102**

Claims 1, 2, 5, 8 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Conway. The rejection is traversed.

In general, Conway discloses a method and apparatus for estimating various quality of service (QoS) parameters at PSTN-IP network gateways. As taught in Conway, counters at a PSTN-IP network gateway are used to calculate traffic statistics for the PSTN-IP gateway, and the calculated traffic statistics are stored in a dial-control management information base (MIB) at a PSTN-IP gateway. The dial-control MIB at the PSTN-IP gateway is periodically polled, by a network management system, for the traffic statistics, and the network management system computes estimates of various QoS parameters using the traffic statistics. As taught in Conway, the QoS parameters are "gateway performance parameters". (Conway, Col. 5, Lines 52-53).

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As taught in Conway, the QoS parameters estimated by the network management system include carried traffic (Erlands), gateway grade of service (GoS) for the gateway, offered traffic load (Erlangs), and offered traffic arrival rate (calls/sec). (Conway, Col. 5, Lines 57 – 62). More specifically, Conway describes how the estimates of these QoS parameters are computed, stating that “[t]he method comprises the steps of periodically polling the dial-control management information base (MIB) for dial peer traffic statistics, storing the polled data, estimating the carried traffic using the polled data, estimating the grade of service by utilizing the Erlang-B formula in a reverse manner, operating on the estimated carried traffic obtained in the first estimating step, and estimating the offered traffic using the estimated values for the carried traffic and the grade of service obtained in the previous estimating steps.” (Conway, Col. 3, Lines 21-29, Emphasis added).

In other words, Conway merely describes a network management system that polls PSTN-IP gateways to obtain traffic statistics, and uses the received traffic statistics to estimate various QoS parameters. Conway is devoid of any teaching or suggestion of assigning any policies based on the results of the QoS estimates. Rather, Conway is merely directed toward how such QoS estimates are computed. Furthermore, Conway is devoid of any teaching or suggestion of processing of new voice calls. Rather, Conway is merely directed toward processing statistics collected at PSTN-IP gateways in order to estimate gateway performance parameters of the PSTN-IP gateways, e.g., carried traffic at the gateways, grade of service of the gateways, and the other listed QoS parameters.

Thus, Conway merely describes QoS parameter estimation performed at a network management system using traffic statistics received by polling PSTN-IP gateways, not the operation of the PSTN-IP gateways in processing individual voice calls. As such, Conway fails to teach or suggest at least the limitations of “assigning a decision policy to said status,” “assessing a priority level of a new voice call requesting to enter the network relative to priorities of existing calls on the network,” and “invoking said decision policy on the new voice call according to its relative priority level to the existing calls on the network and the decision policy in effect at the time the new voice call requests entry to the network,” as claimed in Applicants’ claim 1. Conway fails to teach or suggest each and every element of Applicants’ claim 1, as arranged in the claim.

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Anticipation requires the presence, in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim. Conway fails to disclose each and every element of Applicants' claim 1, as arranged in claim 1.

As such, independent claim 1 is not anticipated by Conway and is patentable under 35 U.S.C. 102. Claim 5 recites relevant limitations similar to those recited in independent claim 1 and, as such, and at least for the same reasons as discussed above, these independent claims also are not anticipated by Conway and are patentable under 35 U.S.C. 102. Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Conway.

Therefore, Applicants' claims 1, 2, 5, 8 and 9 are allowable over Conway under 35 U.S.C. 102. The Examiner is respectfully requested to withdraw the rejection.

#### **Rejection Under 35 U.S.C. 103(a)**

##### **Claims 3-4, 6, 7 and 10**

Claims 3-4, 6, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conway in view of Burst. The rejection is traversed.

This ground of rejection applies only to dependent claims, and is predicated on the validity of the rejection under 35 U.S.C. 102 given Conway. Since the rejection under 35 U.S.C. 102 given Conway has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Burst supplies that which is missing from Conway to render the independent claims anticipated, this ground of rejection cannot be maintained.

Therefore, Applicants' claims 3-4, 6, 7 and 10 are allowable over Conway and Burst under 35 U.S.C. 103. The Examiner is respectfully requested to withdraw the rejection.

##### **Claims 11, 12, 13 and 14-18**

Claims 11, 12, 13 and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conway in view of Zavalkovsky. The rejection is traversed.

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This ground of rejection applies only to dependent claims, and is predicated on the validity of the rejection under 35 U.S.C. 102 given Conway. Since the rejection under 35 U.S.C. 102 given Conway has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that Zavalkovsky supplies that which is missing from Conway to render the independent claims anticipated, this ground of rejection cannot be maintained.

Therefore, Applicants' claims 11, 12, 13 and 14-18 are allowable over Conway and Zavalkovsky under 35 U.S.C. 103. The Examiner is respectfully requested to withdraw the rejection.

#### Claims 19-21

Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Conway in view of IETF RFC2597. The rejection is traversed.

This ground of rejection applies only to dependent claims, and is predicated on the validity of the rejection under 35 U.S.C. 102 given Conway. Since the rejection under 35 U.S.C. 102 given Conway has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that IETF RFC2597 supplies that which is missing from Conway to render the independent claims anticipated, this ground of rejection cannot be maintained.

Therefore, Applicants' claims 19-21 are allowable over Conway and IETF RFC2597 under 35 U.S.C. 103. The Examiner is respectfully requested to withdraw the rejection.

#### Secondary References

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to Applicants' disclosure than the primary references cited in the Office Action. Therefore, Applicants believe that a detailed discussion of the secondary references is not necessary for a full and complete response to this Office Action.

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Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Michael Bentley or Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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Eamon J. Wall  
Registration No. 39,414  
Attorney for Applicants

PATTERSON & SHERIDAN, LLP  
595 Shrewsbury Avenue, Suite 100  
Shrewsbury, New Jersey 07702  
Telephone: 732-530-9404  
Facsimile: 732-530-9808